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EXPRESS MAIL NO. EL514780526US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter KRAMMER, et al.

Application Serial No. 09/402,569

Filed: October 1, 1999

For: **PROTEIN FOR INHIBITING APOPTOSIS**

Art Unit: Unassigned

Examiner: Unassigned

Attorney's Docket No: 35280046US00

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

**ATTN: BOX MISSING PART**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the **Notification of Missing Requirements** dated December 3, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Petition for Extension of Time under 37 C.F.R. § 1.136;
- ☒ Copy of the Notification of Missing Requirements
- ☒ Combined Declaration and Power of Attorney;
- ☒ Request for a Refund;
- ☒ Small Entity Status form;
- ☒ Return postcard; and
- ☒ The fee of **\$500.00** to be charged to our Deposit Account No. 08-3038 to cover:

**\$435.00** Fee for Petition for Extension of Time (37 C.F.R. § 1.136)  
**\$ 65.00** Surcharge for late filing of Declaration (37 C.F.R. § 1.16)

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

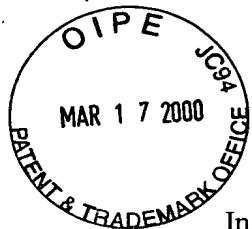
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,

Date: March 17, 2000

**HOWREY SIMON ARNOLD & WHITE, LLP**  
Box 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(650) 463-8100

Albert P. Halluin, (Reg. No. 25,227)



**EXPRESS MAIL NO. EL514780526US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter KRAMMER, et al.

Application No. 09/402,569

Filed: October 1, 1999

For: **PROTEIN FOR INHIBITING  
APOPTOSIS**

Art Unit: Unassigned

Examiner: Unassigned

Attorney's Docket No: 35280046US00

**REQUEST FOR A REFUND PURSUANT TO 37 C.F.R. §1.28**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

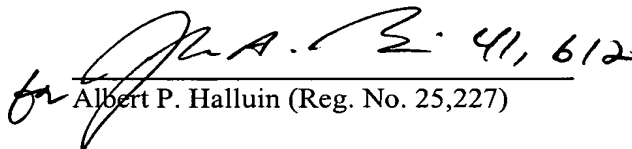
On October 1, 1999, Applicants filed the above-referenced application pursuant to 35 U.S.C. §371. At the time of filing, Applicants did not have the proper Verified Statement Claiming Status as a Small Entity. Hence, Applicants did not request a reduction of one half of the filing fee. Submitted herewith is a Verified Statement Claiming Status as a Small Entity pursuant to 37 C.F.R. §1.27 properly signed by an authorized agent of Deutsches Krebsforschungszentrum Stiftung des Öffentlichen Rechts, assignee of the subject application. Therefore, Applicants are entitled to a reduction of one half of the filing fee and are now entitled to a refund of \$577.00.

This submission is made within two months of the entry into national phase under 35 U.S.C. §371 as required by 37 C.F.R. §1.28. It is believed that no fees are due in connection with this submission. However, if any fees are due, please charge them to Howrey & Simon's Deposit Account No. 08-3038.

Respectfully submitted,

Date: March 17, 2000

**HOWREY & SIMON**  
1299 Pennsylvania Avenue, N.W., Box 34  
Washington, D.C. 20004  
(650) 463-8100

*for*  41,612  
Albert P. Halluin (Reg. No. 25,227)

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DEC 07 1999



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

HOWREY &amp; SIMON

KRAMER

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

352800461US00

U.S. APPLICATION NO.

5611

INTERNATIONAL PUBLICATION NO. 940

ALBERT P. HALLUIN  
HOWREY & SIMON  
1299 PENNSYLVANIA AVENUE N.W.  
BOX 34  
WASHINGTON DC 20004

RECEIVED

DEC 08 1999

I.A. FILING DATE / 98

PRIORITY DATE / 97

12/03/99

HOWREY &amp; SIMON (M.P.) DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☒ a non-English language.  
☐ English.

- ☐ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.

☒ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report and copies of the references cited therein.

☒ Other: *ART 34 NOT ENTERED - Original claim on file with other text*

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Volcan Wa: 306  
Telephone: (703) 305-3126

DOCKETED gdc 12-7-99

Response Due 1-3-00

Last Day 1-3-00